

# 2012 Report on Activities

## Bench-Bar-Press Liaison Committee (Fire Brigade)

### Stats

It was a fairly typical year for the Fire Brigade. During the year 2012, the Brigade fielded an average of two calls per month. Calls brought to our attention issues involving the courts and the news media arising in the counties of Chelan, Cowlitz, Franklin, King, Kitsap, Okanogan, Skagit and Snohomish. These calls came in equal measure from judges and journalists – judges typically seeking guidance or, less often, intercession and journalists typically seeking intercession or at the very least a sympathetic ear.

### Subjects

Generally speaking, 2012 saw the Brigade dealing with the usual issues – courtroom photography, hallway photography, photography or recording by non-traditional media, access to exhibits and files and fair coverage.

There was one unfortunate occurrence this year (in which the Brigade played no role beyond observer) that merits mention because it may be instructive. A recent case involved allegations of rapes of Asian masseuses who, with possible immigration and criminal concerns, were slow to come forward. It happened that a hustling reporter beat the police to one of the victims, proceeded to show her a photograph of the suspect and thus tainted any subsequent lineup or montage ID. This was a very uncommon situation, of course, but one that may serve as a healthy reminder of our shared aspiration that while all of us in the courts and the press want to do our own job well, none of us wants to harm the public interest by impairing the other's ability to also do their job well.

### Something That Might Actually Be Useful?

The Brigade did engage in one small project that could be of more practical use. It remained true this year that, thanks to our new and improved General Rule 16, photography issues seldom arose at trials or sentencing hearings. Understandably, issues do persist at preliminary appearances and arraignments (when the lawyers and judge don't know much about the case and while the police investigation may still be quite active). In discussions with a reporter whose camera crew had been excluded from an arraignment, she and I cooked up the following form:

Date: \_\_\_\_\_

To: Judge \_\_\_\_\_

As a member of the local news media, I intend to be present in court for the hearing in the \_\_\_\_\_ case tomorrow (today) and I wish to photograph/videotape the proceedings.

Under **GR 16**, it is clear that this is **presumed** to be allowed and that any restriction must be based upon **compelling** circumstances, specifically **identified**, that are **particular** to this case. In the event there is any objection and the court does not summarily overrule it, I would request the **opportunity to be heard** – as required by GR 16 – prior to the court's ruling.

Signed: \_\_\_\_\_

Printed name: \_\_\_\_\_

Affiliation: \_\_\_\_\_

Phone #: \_\_\_\_\_

The goals of this form are, fairly obviously, twofold. First, its existence can serve to remind the reporter of the importance of giving the court advance notice as soon as possible (ideally 24 hours but certainly at least 15 minutes ahead of the hearing). Second, once the form has made it into the hands of the judge (who is sitting alone contemplatively in chambers before facing the pressures of cameras and lawyers waiting in the courtroom) it serves as a tactful reminder of the proper procedures to be followed and an opportunity to consult the rulebook or even the Fire Brigade.

Anyone who may wish is welcome (and heartily encouraged) to copy the above, edit it any way you like, and make good use of it.

Respectfully submitted,

*William L. Downing*

William L. Downing, Chair